

Mr. Smith's time for appeal has lapsed, however he is free to file a § 2255 motion.

It is SO ORDERED.

s/Dan Aaron Polster

United States District Judge

9/12/2023

August 31st, 2023

FILED

SEP 05 2023

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

To the Clerk of Courts:

My name is Octavius Smith case # 1:15-cr-388. I was sentenced to 20 yrs March 6, 2017. I lost trial and was given an appeal attorney by the name of Mr. Paul J. Nee Jr. who filed a motion for my direct appeal. I lost the appeal and never heard from my attorney after he sent me a brief summary. He never appealed to the Supreme Courts, nor advised me that I was to have my 2255 submitted within a year or I'll be time barred. At trial I was 851 and also sentenced under the Career Offender guidelines. I understand that I have a "Mistake" in United States issue, also the sentencing guidelines have changed. My predicates for Career Offender guidelines were 10 yrs old. I am trying to get a public defender to review and help me to appeal my case. I contacted Jeffrey Lazarus for legal consultation. Can you please put this on record, and help me with this matter. Thank you,
Humbly... Octavius Smith
61322-000